

Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

May 22, 2000

Wetland Procedures for Local Agencies

#00-06

COUNTY ENGINEERS/SUPERINTENDENT OF HIGHWAYS
MUNICIPAL ENGINEERS/DIRECTORS OF PUBLIC WORKS
CONSULTING ENGINEERS

Attached for your use is the *Wetland Procedures for Local Agencies*. This document provides local agency procedures for compliance with the Interagency Wetland Policy Act of 1989 and the Implementing Procedures for the Interagency Wetland Policy Act. These procedures apply to all IDOT pass-through funded projects involving possible wetland impacts.

The Wetlands Action Plan and the [Wetland Impact Evaluation form](#) are attached to the procedures for your reference.

Sincerely,

A handwritten signature in black ink, reading 'Darrell W. McMurray'.

Darrell W. McMurray, P.E.
Engineer of Local Roads and Streets

cc: Jay Miller

Attachments

Wetland Procedures for Local Agencies

Introduction

Effective April 21, 1998 the Illinois Department of Transportation (IDOT), in conjunction with the Illinois Department of Natural Resources (IDNR), adopted a Wetlands Action Plan (attached) to establish compliance with the goals of the Interagency Wetland Policy Act of 1989 and the Implementing Procedures for the Interagency Wetland Policy. The Wetlands Action Plan supersedes any IDOT Departmental Orders, policies, and procedures regarding wetlands.

Applicability

The Wetland Procedures for Local Agencies apply to all IDOT pass-through funded projects involving possible wetland impacts. This includes but is not limited to local agency federal, Motor Fuel Tax (MFT), Township Bridge Program (TBP), legislative add-on projects, and special state assistance programs such as the Truck Access Route Program (TARP) and Economic Development Program (EDP).

Compliance with these Procedures is not required for any construction, maintenance, or land management activities which do not adversely impact wetlands.

Definitions

Adverse Impact – Any land management and construction or related activities which directly or indirectly reduce the size of a wetland or impair a wetland's functional value.

Compensation Ratios – Refers to replacement area, quantified wetland functions, or dollar value when compared to the wetland area that is adversely impacted. The procedure for computing wetland compensation requirements shall be to multiply the appropriate wetland compensation ratio by the unit of compensation (replacement area, function and/or monetary contribution).

Destruction – An adverse wetland impact that does not meet the criteria to be defined as a programmatic action and that causes either:

The removal or loss of 2 or more acres of wetland vegetation; or

The alteration of preexisting hydrology or soils of more than 0.5 acres of wetland for more than 12 months. This includes, but is not limited to, the placement of dredge or fill material into a wetland, the drainage of a wetland, filling in of a wetland through sedimentation, etc.

Hydrologic Unit – The drainage area of a river or stream as identified in Appendix A of the Wetlands Action Plan.

Minimum Alteration – An adverse wetland impact that:

Meets the criteria to be defined as a programmatic action; or

Causes the removal or loss of 0.5 acre or less of wetland vegetation but that does not alter the preexisting hydrology of the wetland for a period of more than 12 months (a temporary impact).

Off-Site – A wetland compensation area located within the same Hydrologic Unit boundary, but more than one mile from the proposed project limits for which the wetland compensation is required.

On-Site – When a wetland compensation area is located within the same Hydrologic Unit boundary, as shown in Appendix A on page 13 of the Wetlands Action Plan, and within one mile of the proposed project limits for which the wetland compensation is required.

Out-of-Basin – When a wetland compensation area is located outside the Hydrologic Unit boundary which includes the site of the proposed project for which the wetland compensation is required.

Programmatic Review Actions – Involves impacts to wetlands where construction is within the existing right-of-way or in new right-of-way which is contiguous to the existing right-of-way. For projects which qualify as Programmatic Review Actions, project-specific coordination with IDNR, for wetland compliance, will generally not be required. In these cases, the IDOT Bureau of Design and Environment will determine replacement ratios, approve any compensation plans, and coordinate with IDNR as necessary. The local agency shall maintain complete files on all actions processed under this programmatic procedure. These files will be made available for audit upon request.

Replacement Area – The area of wetland compensation required and is computed by multiplying the wetland area that is adversely impacted by the appropriate compensation ratio.

Significant Alteration – An adverse wetland impact that does not meet the criteria to be defined as a programmatic action and that causes either:

The alteration of preexisting hydrology or soils of 0.5 acre or less of a wetland for more than 12 months. This includes, but is not limited to, the placement of dredge or fill material into a wetland, the drainage of a wetland, filling in of a wetland through sedimentation, etc; or

The removal or loss of more than 0.5 acre but less than 2 acres of wetland vegetation but that does not alter the preexisting hydrology of the wetland for a period of more than 12 months (a temporary impact).

Standard Review Action – Involves projects with unavoidable adverse wetlands impacts that do not qualify as Programmatic Review Actions. Coordination will be required with IDNR on a project-by-project basis.

Value – Unit of measure (i.e., acres, wetland functions, or dollars) that is multiplied by the appropriate wetland compensation ratio to determine the amount of wetland compensation that is required.

Wetland Compensation – The required planning and implementation process that results in the replacement of wetland function and area to offset an adverse wetland impact; or providing funding for wetland research, acquisition, etc.

Wetland Creation – The establishment of a wetland where a wetland does not currently exist.

Wetland Delineation – A determination whether an area is or is not a wetland. The determination is based on the presence of three criteria; 1) a prevalence of hydrophytic vegetation, 2) hydric soils, and 3) wetland hydrology. The delineation also establishes the limits of the wetland. To accurately delineate a wetland, a person must have the ability to identify vascular plants to the species level (plant taxonomy), be able to identify soil types and have at least a general knowledge of wetland hydrology.

Identification and Delineation of Wetlands

The process for the identification and delineation of wetlands should be undertaken at the earliest practical stage in the project planning process. The delineation shall be addressed as follows dependent upon the project funding:

1. Federally funded projects: The submission of the Environmental Survey Request will initiate the identification and delineation process for wetlands by the IDOT Bureau of Design and Environment (BDE) at no cost to the local agency. The results will be sent to the local agency upon completion of the delineation by the BDE. The local agency also has the option of having the delineation performed by a qualified consultant at the local agency's expense.
2. Non-federally funded projects: The local agency shall be responsible for the delineation and determination of possible wetland impacts. The National Wetlands Inventory (NWI) maps and wetland maps that may be produced by local jurisdictions shall be used in determining the need to undertake field surveys to delineate and evaluate wetlands impacted by a construction project.

If the local agency determines that, based on a review of wetland maps and visual inspection of the site, there are no wetland impacts, additional investigations will not be required. The local agency will inform the district office of this determination in writing.

Where wetlands could be impacted by a proposed project, field investigations shall be conducted to verify the presence of wetlands and to delineate any wetlands that could be impacted by the project. To accurately delineate a wetland, a person must have the ability to identify vascular plants to the species level (plant taxonomy), be able to identify soil types and have at least a general knowledge of wetland hydrology. The local agency may contact the appropriate district office of the Corps of Engineers to obtain a list of firms that are capable of providing wetland delineation services.

National Wetlands Inventory data and maps can be obtained in the following ways:

- Hard copy of National Wetlands Inventory maps for Illinois

Map Sales Coordinator (815) 753-0914
Center for Governmental Studies
Northern Illinois University
DeKalb, Illinois 60115

- NWI Digital Data

Administrator for Wetlands, Watershed and EMP Programs
Office of Resource Conservation
Illinois Department of Natural Resources
600 North Grand Avenue W.
Springfield, Illinois 62706
(217) 785-8287

- Access NWI digital data via the Internet (mapping software and Internet access required)

Via USFWS server:
ftp://192.189.43.33
follow instructions on screen, refer to "read me" files

Adverse Wetland Impacts

Adverse wetland impacts are defined as any land management and construction or related activities which directly or indirectly reduce the size of a wetland or impair a wetland's functional value. Functional values for wetlands include but are not limited to the following:

1. Absorbing, storing and conveying peak flows from storms;
2. Improving water quality by serving as sedimentation and filtering basins and as natural biological treatment areas;
3. Providing breeding, nesting, forage and protective habitat for approximately 40% of the State's threatened and endangered species, in addition to other forms of fish, wildlife, waterfowl and shorebirds;
4. Protecting underground water resources and helping to recharge rivers, streams and local or regional underground water supplies;
5. Serving as recreational areas for hunting, fishing, boating, hiking, bird watching, photography and other uses;
6. Providing open space and aesthetic values, particularly in rapidly developing areas;
7. Providing unique educational and research opportunities because of their diversity of plants and animals, their support for a high incidence of threatened and endangered species, and their function as a natural buffer for rivers, lakes and streams;
8. Supplying nutrients in freshwater food cycles and serving as nursery areas and sanctuaries for young fish; and
9. Helping to protect shorelines from the forces of water erosion.

The following sequence of actions shall be used for addressing adverse wetlands impacts while giving due consideration to safety and appropriate design standards:

First priority	Avoidance of adverse wetland impacts
Second priority	Minimization of adverse wetland impacts
Third priority	Compensation for unavoidable adverse wetland impacts in accordance with the ratios shown in Table 1 (from 17 Illinois Administrative Code, Sect. 1090 (c) (8)).

Compensation

1. Adverse wetland impacts of less than 0.3 acre per wetland may be compensated for from a wetland compensation account site or other approved source of preexisting wetland credits (e.g., commercial wetland bank), or may be accumulated for compensation in a larger compensation site or sites. Compensation will be in accordance with the minimal alteration ratios given in Table 1, except as noted in 3 below.
2. Adverse wetland impacts of 0.3 acre or more per wetland will be either Programmatic Review Actions or Standard Review Actions.
 - A. Programmatic Review Actions will be compensated in accordance with the minimal alteration ratios given in Table 1, except as noted in 3 below.
 - B. Standard Review Actions will be compensated in accordance with the significant alteration ratios given in Table 1 for impacts less than or equal to 0.5 acre per wetland and in accordance with the destruction ratios given in Table 1 for impacts greater than 0.5 acre per wetland, except as noted in 3 below.
3. The compensation ratio used to determine the amount of wetland compensation required is always 5.5:1 if the adversely impacted wetland has one or more of the following situations present (from 17 Illinois Administrative Code, Sect. 1090.50 (c) (8)):
 - A. The presence of a State or federally listed endangered and threatened species.
 - B. The presence of essential habitat of a State or federally listed endangered and threatened species.
 - C. The presence of an Illinois Natural Area Inventory (INAI) Site. The INAI is maintained and updated by IDNR.
 - D. A wetland that is comprised of a plant community that receives a floristic quality native index score of 20 or more and/or a native mean coefficient of conservatism of 4.0 or greater using the procedure described in Plants of the Chicago Region (Swink and Wilhelm 94).

TABLE 1

Replacement Ratios

<u>Degree of Adverse Impact</u>	<u>On-Site</u>	<u>Off-Site</u>	<u>Out-of-Basin</u>
Minimal Alteration	1.0:1* 1.5:1**	1.5:1	2.0:1
Significant Alteration	1.5:1	2.0:1	3.0:1
Destruction	2.5:1	4.0:1	5.5:1

* The 1.0:1 ratio applies to all other types of wetland vegetation, substrate, or wetland type except those wetlands that have woody vegetation.

** This ratio applied if the vegetation of the adversely impacted wetland is woody.

An agency or applicant may request approval to use existing public lands for wetland compensation projects. The IDNR shall have the final approval on the use of existing public lands for this purpose.

Processing and Coordination

All document processing shall be by submittal to the Local Roads and Streets district office, who will forward the documents to the Local Roads and Streets central office, then to the BDE and then, if required, to the IDNR.

After the identification and delineation of potential wetland involvement, alternatives for avoiding and minimizing adverse impacts will be analyzed. This shall be documented by the completion of the Wetland Impact Evaluation form BDE 2328 (attached). The Wetland Impact Evaluation shall include the following:

1. Information identifying the wetland sites affected and the relationship to the proposed action (including wetland delineation reports, forms, and maps, and NWI maps for the project area);
2. Information describing the proposed work affecting each individual wetland (e.g., placement of fill, excavation, draining, removal of vegetation) in sufficient detail to allow a thorough review of the potential adverse wetlands impacts;
3. Anticipated starting and ending dates for the project, if known;
4. Indication of the total acreage expected to be converted from wetland habitat to other uses; and
5. Description of alternatives considered and an explanation of why there are no practicable alternatives to the proposed action.

Based on the information contained in the Wetland Impact Evaluation form, the BDE will determine the amount of wetland compensation. The Wetland Compensation Plan should then be developed and submitted.

Content of Wetland Compensation Plans

1. Using Approved Pre-existing Compensation Credits: When all of the wetland compensation for a project is from an approved source of preexisting wetland credits, the information required for the Wetland Compensation Plan will be as detailed below:
 - Project name/number, location and description
 - Name and address of the agency responsible for the project
 - Indication of types (see Appendix B of Action Plan), amounts, and locations of affected wetlands, including any drainage basins and watercourses involved
 - Description of alternatives which would provide avoidance or minimization of adverse impacts to the wetland and, as applicable, the reasons for their rejection
 - Reasons for proposing use of an approved wetland compensation account or other source of preexisting wetland credits
 - Description of applicable compensation ratios, the amount and type (see Appendix B of Action Plan) of compensation credit to be provided, and the source of the credits, including location, current balances and any pending changes
2. Establishment/Creation of New Wetlands: When all or part of the necessary compensation will be provided by establishment of wetlands on a project-specific basis, the local agency will be required to develop a Conceptual Plan. Upon receipt of concurrence from BDE or IDNR on the Conceptual Plan, the local agency shall then prepare and submit a Wetland Compensation Plan which provides enough information for implementing the proposed compensation. Approval of the Wetland Compensation Plan is valid for three years.

Once the Wetland Compensation Plan has been approved, the local agency is to prepare detailed construction plans reflecting the proposed work as described in the Wetland Compensation Plan. During the preparation of the final plans, the local agency is to provide the BDE the opportunity to review the preliminary plans (includes plans, specifications and estimates). Upon receipt of the plans, the BDE will have two weeks to provide comments.

The information required for the Conceptual Plan and Wetland Compensation Plan is detailed below.

- A. Conceptual Plan: The conceptual plan should contain enough information to enable BDE or IDNR to concur in the proposed location and approach to providing compensation prior to proceeding with the development of the details necessary for actually implementing the compensation.

The following is an outline of information that a Conceptual Plan may include:

- Project name/number, location, and description
- Name and address for the agency responsible for implementation of the wetland compensation plan
- Date of and summary statement of surveys and the name, work address, and phone numbers of persons conducting surveys
- Indication of types (see Appendix B of the Action Plan) and amounts of wetland affected, including drainage basins and watercourses involved
- Description of alternatives considered which would avoid or minimize adverse impacts to the wetland and, as applicable, the reasons for their rejection
- Description of the precise location of the proposed wetland replacement site (including a map, legal description, and an indication of the distance from the wetland impact location for which it provides compensation and an indication of its current land use, biological, hydrological, and soil characteristics)
- Description of the proposed wetland compensation, including a clear statement of goals, description of compensating wetlands to be created, restored, or acquired (including types per Appendix B of Action Plan, and a conceptual plan drawing showing approximate layout, shape, etc.); compensation ratios to be applied; any research funding proposed in lieu of other compensation; and, if use of preexisting wetlands credits is proposed as a component of the total compensation, the source of the credits, including current balances and pending changes
- General description of the work (e.g., grading, planting, importation of topsoil, alteration of hydrology) proposed to establish compensation sites
- Indication of the entities that will assume long-term responsibility for compensation sites to be established

- B. Wetland Compensation Plan: A detailed wetlands compensation plan will include the information from the Conceptual Plan in addition to the following items:

- Detailed site plan that includes the plant materials and methods to establish those plant materials, proposed contours of the wetland and surrounding buffer to be established, source(s) of water, anticipated hydro-period(s) of the proposed wetland and any water control structures, the watershed draining into the proposed wetland, and relationship of the site to surrounding land uses;

- Operation, management and maintenance plan for the site including procedures to restrict further adverse impacts to the site, such as the use of buffer areas, restricting future construction within the wetland compensation area etc.;
- The monitoring plan to evaluate the success and/or failure of the wetland establishment effort, including the use of measures to correct identified deficiencies or problems; and
- Anticipated starting and ending dates of the wetland compensation plan.

Implementation

During the construction phase of the wetland compensation areas, the local agency will notify the BDE when grading is complete (before landscaping) and again upon completion of the landscaping.

In accordance with Article 253.14 of the Standard Specifications for Road and Bridge Construction, all plantings contained as part of the wetland compensation shall be subject to inspection and acceptance. The BDE should be notified of the scheduled date for this inspection of the plantings so they may have a representative present.

At the end of the construction phase, the local agency will provide the BDE a copy of the as-built grading and planting plans.

Monitoring

Monitoring and reporting procedures for wetland compensation areas will be as stated in the Wetland Compensation Plan. If the BDE is monitoring the wetland compensation area, the BDE will write and process the annual wetland monitoring report and send a copy of the report to the local agency. If the BDE is not monitoring the wetland compensation area, two copies of the annual wetland monitoring report must be sent to the BDE through the Local Roads and Streets district office.

Transfer of Wetlands

When a local agency can transfer management responsibility for wetland compensation areas without impacting the project operation, a written request will be submitted through the Local Roads and Streets district office to the IDNR for approval of the transfer. The request will contain information identifying the proposed recipient of the lands and an outline of the terms of the transfer agreement. Additional guidelines and information are contained in the Action Plan, section XI – Transfer of Wetlands.



Submittal Date: _____

Project Sponsor: ☐ State ☐ Local

Route: _____ District: _____ County: _____

Section No: _____ Project No.: _____ Contract No.: _____

From-To (At): _____

Project Description:

1. Does the Project have wetland affects? ☐ No ☐ Yes: ☐ Permanent ☐ Temporary ☐ Both

2. Identify the wetland site(s) being affected. _____

3. Describe the work in each individual wetland (fill, excavation, drainage, vegetation removal, etc.).

4. Total acres expected to be converted from wetland habitat to other uses(s).

5. Summarize briefly why there are no practicable alternatives to the use of the wetland(s).

6. Wetland mitigation is being proposed

☐ at site of the impact (on-site).

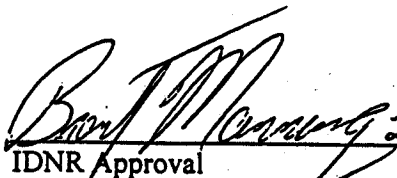
☐ within the project limits (on-site).

☐ off-site.

☐ wetland bank site.

Illinois Department of Transportation
WETLANDS ACTION PLAN
April 15, 1998


IDOT Approval 4/15/98
Date


IDNR Approval 21 Apr 98
Date

I. Purpose

The purpose of this Action Plan is to set forth a framework of policy and procedures for the Illinois Department of Transportation (IDOT) that will establish compliance with the goals of the Interagency Wetland Policy Act of 1989 (the Act) and the "Implementing Procedures for the Interagency Wetland Policy Act" (17 Ill. Adm. Code 1090).

II. Applicability

This Action Plan applies to all IDOT and IDOT pass-through funded projects involving adverse impacts to wetlands except those actions specifically exempted. Approvals to proceed with construction of non-exempted actions adversely affecting wetlands will be contingent on demonstrating compliance with this Plan. For IDOT pass-through funded projects, the entity receiving the pass-through funds will be responsible for complying with the provisions of this Plan. For such projects, IDOT may require the entity receiving the pass-through funds to assume responsibility for necessary wetlands-related studies and coordination with the Illinois Department of Natural Resources (IDNR) which this Plan describes as IDOT responsibilities.

In accordance with 17 Ill. Admin. Code 1090.20 (Implementing Procedures for the Interagency Wetland Policy Act), actions that may involve adverse wetlands impacts include, but are not limited to:

- The alteration, removal, excavation, or dredging of soil, sand, gravel, minerals, organic matter, vegetation, or naturally occurring materials of any kind from a wetland;
- The discharge or deposit of fill material or dredged material into a wetland;
- The alteration of existing drainage characteristics, sedimentation patterns, or flood retention characteristics of a wetland;
- The disturbance of the water level or water table of a wetland;
- The destruction or removal of plant life that would alter the character of a wetland, except for activities undertaken in accordance with the Illinois Noxious Weed Act; and
- The transfer of State-owned wetlands to any entity other than another State agency.

Compliance with this Action Plan is not required for any construction, land management, or other activity funded or performed by IDOT which will *not* result in an adverse impact to a wetland. In addition, in accordance with 17 Ill. Admin. Code 1090.20, the following activities also are specifically excluded from the State wetlands compliance requirements:

- Activities undertaken for the maintenance of existing ponds, storm water detention basins and channels, drainage ditches or navigation channels
- Installation of signs, lighting and fences and the mowing of vegetation within existing maintained rights-of-way, provided such actions do not jeopardize the existence of a

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threatened or endangered species, Illinois Natural Area Inventory Site, or the designated essential habitat of a threatened or endangered species

- Repair and maintenance of existing buildings, facilities, lawns, and ornamental plantings
- Issuance of permits and licenses
- Construction projects that were let for bidding prior to May 6, 1996
- Application of media (including deicing chemicals) on the surface of existing roads for the purposes of public safety
- Non-surface disturbing surveys and investigations for construction, planning, maintenance or location of environmental resources

After initial approval by IDNR, this Plan shall continue in effect, subject to renewal through IDNR every 4 years in accordance with 17 Ill. Adm. Code 1090.40(d).

III. Consistency with Existing IDOT Policies and Procedures

Upon acceptance by IDNR, this Action Plan becomes IDOT's framework for compliance with the Interagency Wetland Policy Act. To the extent that there are any inconsistencies between this Plan and existing IDOT Departmental Orders, policies, and operating procedures regarding wetlands, this Action Plan supersedes such Orders, policies, and procedures until they are revised to achieve consistency.

IV. Identification and Delineation of Wetlands

At the earliest practical stage in the project planning process, an assessment will be made of the extent to which wetlands will be affected. Unless an Illinois-specific manual is available and approved for use, the current approved federal manual for identifying and delineating wetlands shall be used as the basis for determining wetlands subject to the Act. Wetlands shall be categorized according to the types listed in Appendix B. Additional regulatory guidance issued by the Corps of Engineers for the federal wetlands manual (e.g., concerning the treatment of farmed wetlands) also will be followed, as applicable. The most recent version of the "National List of Plant Species that Occur in Wetlands" published by the U S Fish and Wildlife Service will be used to determine hydrophytic vegetation. The most recent list of hydric soil map units maintained by each county Natural Resources Conservation Service Office will be used when locating areas of hydric soils.

The National Wetlands Inventory (NWI) maps and wetland maps that may be produced by local jurisdictions shall be used in determining the need to undertake field surveys to delineate and evaluate wetlands affected by IDOT or IDOT pass-through funded projects. Consideration also shall be given to the location of the project in the landscape and the proposed scope of work. Where wetlands are likely to occur and where such wetlands could be affected by the proposed project, field investigations shall be conducted to verify the presence of wetlands and to delineate any wetlands in the area the project may affect.

V. Policy on Wetlands Impacts and Compensation

Each Division of IDOT responsible for activities subject to the requirements of this Action Plan shall ensure that its policies and operating procedures reflect the following sequence of actions

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for addressing adverse wetlands impacts while giving due consideration to safety and appropriate design standards:

First priority: Avoidance of adverse wetland impacts.

Second priority: Minimization of adverse wetland impacts.

Third priority: Compensation for unavoidable adverse wetland impacts in accordance with the ratios in 17 Ill. Admin. Code 1090.50 c 8.

Wetland impacts of less than 0.3 acre resulting from IDOT or IDOT pass-through funded projects will be compensated for from a wetland compensation account site or other approved source of preexisting wetland credits (e.g., commercial wetland bank), or may be accumulated for compensation in a larger compensation site or sites. In either case, the compensation will be subject to the applicable ratios specified in 17 Ill. Admin. Code 1090.50 (c) (8). Opportunities to compensate for accumulated impacts will be pursued, as practical, when developing project-specific wetlands compensation for larger impacts, when new wetland compensation account/bank sites become available for use, or when establishment of a site or sites to offset accumulated impacts is determined appropriate as a stand-alone project.

Any accumulated acres of impact associated with IDOT or IDOT pass-through funded projects will be accounted for on the basis of the boundaries of the nine IDOT highway districts. IDOT will confer with IDNR at least once each year regarding the status of any accumulated impact balances in each of the IDOT highway districts and the status of compensation to offset the accumulated balances. The total of accumulated acres of impacts at any given time shall not exceed 5 acres in any IDOT highway district or 25 acres statewide. If accumulated balances approach either of these thresholds, IDOT will confer with IDNR to decide how compensation will be provided to reduce the accumulated balances.

Compensation for unavoidable adverse impacts of 0.3 acre or more, will be provided prior to or concurrent with the project action causing the wetland impact. In proposing such compensation for IDOT or IDOT pass-through funded projects, priority shall be given to locating the compensation close to the impacted wetlands to the extent practical. In evaluating the practicality of sites for potential use, the following will be considered:

- A. The site must be suitable for establishment of wetlands; i.e., contain hydric soils and be capable of providing suitable wetlands hydrology.
- B. IDOT, or the local agency responsible for an IDOT pass-through funded project, must be able to acquire the site for wetlands compensation purposes (i.e., for sites that are not adjacent to existing or proposed project right-of-way, either the site must have a willing seller or IDNR will provide written documentation confirming suitability of the site for use, in order to support condemnation action by IDOT, or local agency, in the case of an IDOT pass-through funded project).
- C. For sites that are not adjacent to existing or proposed project right-of-way, it must be possible for an agreement to be reached for transferring jurisdiction and responsibility for long-term management to the IDNR or another entity that meets the requirements of 17 Ill. Admin. Code 1090.90. (IDOT or a local highway agency ordinarily will assume

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A. Programmatic Review Actions

For purposes of this Action Plan, Programmatic Review Actions are those which involve impacts to wetlands only in areas where construction is within existing rights-of-way or in new right-of-way which is contiguous to (i.e., does not separate from) the existing right-of-way and for which there is no practicable alternative which would avoid adverse wetlands impacts. Examples of project-types that could qualify as Programmatic Review Actions if they meet the preceding criteria include, but are not limited to, the following: adding through or auxiliary lanes to an existing highway, widening and resurfacing existing pavements, widening shoulders on an existing highway, realigning an existing intersection, reconstructing or replacing an existing bridge, constructing runaround detours or temporary stream crossings, and installing scour countermeasures (e.g., flexible revetment, rigid revetment, or flow control structures) for existing bridges.

Adverse wetland impacts resulting from Programmatic Review Actions will be compensated in accordance with the "minimal alteration" ratios specified in 17 Ill. Admin. Code 1090.50 c 8 except when the affected wetlands involve any of the factors specified in that section as requiring application of a 5.5:1 ratio.

For projects which qualify as Programmatic Review Actions, project-specific coordination with IDNR for wetlands compliance generally will not be required. However, when the work involving wetlands will require coordination with the Corps of Engineers for approval of a wetlands compensation plan, IDOT will provide information describing the proposed compensation to IDNR. This submittal will allow appropriate IDNR staff the opportunity to review and comment on the proposed compensation prior to receiving the compensation plan information as a part of the permit information from the Corps. In addition, IDOT will provide IDNR periodic lists of all projects that qualified as Programmatic Review Actions and were not coordinated with IDNR. The lists will be provided quarterly during the first year of operation under this Wetlands Action Plan, semiannually during the second year of operation, and annually thereafter. The lists will include the following information for each Programmatic Review Action:

- Project name/number
- Project type and location
- NWI classification code for each wetland affected
- Approximate size of the wetlands area(s) to be adversely affected by the project
- Description of compensation
- Current status and anticipated year of construction

IDOT will maintain complete files on all actions processed under this programmatic procedure. These files will be made available for audit by IDNR upon request.

For each Programmatic Review Action in which compensation will be provided through wetlands restoration or creation on a project-specific basis, IDOT will provide periodic monitoring reports in accordance with Section X of this Plan. IDOT also will notify IDNR at the end of the wetland compensation monitoring period to advise that the compensation work has been completed and to report on its success.

B. Standard Review Actions

For purposes of this Plan, Standard Review Actions are projects which involve unavoidable adverse wetlands impacts and which do not qualify as Programmatic Review Actions. Consultation with IDNR regarding wetlands shall occur on a project-by-project basis for Standard Review Actions. As the initial step in the wetlands coordination process for Standard Review Actions, IDOT will submit a Wetland Impact Evaluation to IDNR. This evaluation will be submitted after the analysis of avoidance and minimization alternatives has been completed and the anticipated location and extent of any unavoidable adverse wetlands impacts has been determined. The Wetland Impact Evaluation will include the following:

- Information identifying the wetland site(s) affected and the relationship to the proposed action (including wetland delineation report(s), forms, and map(s), and NWI map(s) for the project area);
- Information describing the proposed work affecting each individual wetland (e.g., placement of fill, excavation, draining, removal of vegetation) in sufficient detail to allow a thorough review of the potential adverse wetlands impacts;
- Anticipated starting and ending dates for the project, if known;
- Indication of the total acreage expected to be converted from wetland habitat to other use(s); and
- Description of alternatives considered and an explanation of why there are no practicable alternatives to the proposed action.

Within 30 days of receipt of the Wetlands Impact Evaluation, IDNR will advise IDOT of any deficiencies in the information provided. IDNR will notify IDOT in writing the date the Wetlands Impact Evaluation is deemed filed. Unless extended by written agreement between IDOT and IDNR, IDNR will complete its review of the Wetland Impact Evaluation within 60 days of the date it is deemed filed and will respond in accordance with 17 Ill. Adm. Code 1090.50 (a)(2). IDOT may request a reevaluation of IDNR's response in accordance with 17 Ill. Adm. Code 1090.50 (a)(2)(D). IDNR's final response to the Wetland Impact Evaluation will be valid for 3 years and shall be extended by IDNR upon demonstration that the project is being pursued in good faith and the conditions of the site have remained substantially unchanged.

For unavoidable adverse wetlands impacts resulting from Standard Review Actions, a project-specific wetland compensation plan will be prepared for approval by IDNR. When the necessary compensation is proposed from a wetland compensation account or other approved source of preexisting compensation credits, the compensation plan will provide information in accordance with Section VII A, below. For all other Standard Review Actions, IDNR will be provided a project-specific conceptual plan (see Section VII B) for concurrence and a wetland compensation plan (see Section VII C) for approval. IDOT will expect that the response from IDNR to the conceptual plan will indicate whether compensation sites proposed are acceptable, and whether

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IDNR has any other suitable sites available on which the necessary compensation would be feasible.

Unless IDOT and IDNR mutually agree to a longer time period, IDNR will respond to compensation plan submittals within 45 days of receipt. IDOT will accomplish follow-up coordination with IDNR as necessary to respond to comments from IDNR regarding the compensation proposal.

Proposals for use of wetland research funds to provide any part of the required compensation will be developed in consultation and coordination with IDNR and the Interagency Wetland Committee. Review and processing times described above will not be operative when compensation plans propose use of research funding for compensation. In these cases, IDNR will notify IDOT within 30 days of receipt of the compensation plan as to when the Committee will be convened to review the proposal for use of research funds. The review by the Committee should occur at the next regularly-scheduled Committee meeting or within 60 days of receipt of the plan by IDNR, whichever occurs first.

For Standard Review Actions, construction that would adversely affect wetlands will not commence until consultation with IDNR has occurred and IDNR has either approved the wetland compensation plan for unavoidable adverse wetland impacts or agreed that the impacts may be accumulated for after-the-fact compensation.

As provided in 17 Ill. Adm. Code 1090.50 (5), IDNR approval of a compensation plan is valid for three years. For projects involving a conceptual plan and a wetland compensation plan, the three-year time frame will begin upon approval of the wetland compensation plan. If IDOT does not commence implementation of a wetland compensation plan within the three year time frame, IDOT will re-coordinate with IDNR to renew the approval prior to proceeding with implementation of the compensation plan. IDOT will determine whether any changes have occurred at the proposed compensation site which would require revision of the compensation plan and will advise IDNR. If such changes have occurred, the plan will be revised as necessary to respond to those changes.

For Standard Review Actions, status reports will be provided to IDNR on implementation of wetland compensation plans involving wetlands restoration or creation, in accordance with 17 Ill. Adm. Code 1090.50 (6). These reports will include the following:

- A post-construction site evaluation report which will be submitted within 90 days after completion of any construction, seeding, planting, etc. necessary for establishing the replacement wetlands;
- Up to 4 annual reports on the status of the replacement wetlands and any associated buffer; and
- A final report on the status of the replacement wetlands and any associated buffer which will be submitted 5 years after the post-construction evaluation report.

VII. Content of Wetland Compensation Plans

A. Plans for Use of Approved Preexisting Compensation Credits

When all of the necessary wetland compensation for a project is proposed from an approved wetland compensation account or other approved source of preexisting wetland credits, the following information will be provided in the wetland compensation plan:

- Project name/number, location, and description
- Name and address of the office responsible for the project
- Indication of type(s) (per Appendix B), amount(s), and locations of wetlands affected, including the drainage basin(s) and watercourses involved
- Description of alternatives which would avoid or minimize adverse impacts to the wetland and, as applicable, the reasons for their rejection
- Reasons for proposing use of an approved wetland compensation account or other source of preexisting wetland credits
- Description of the applicable compensation ratio(s), the amount and type (per Appendix B) of compensation credit to be provided, and the source of the credits, including location, current balances and any pending changes

B. Conceptual Plan

When all or a part of the necessary compensation will be provided through establishment of wetlands on a project-specific basis, a conceptual plan will be provided to outline the proposed compensation. The conceptual plan will present sufficient preliminary information to enable IDNR to concur in the proposed location and approach to providing compensation prior to proceeding with development of the details necessary for actually implementing the compensation.

The following is an outline of information that a conceptual compensation plan may include. The first two items will be provided in all cases. The remaining items will be addressed as necessary and appropriate to adequately describe the project's involvement with wetlands and the proposed compensation.

- Project name/number, location, and description
- Name and address for the office responsible for implementation of the wetland compensation plan
- Date of and summary statement of wetland surveys and the name, work address, and phone number of person(s) conducting surveys
- Indication of type(s) (per Appendix B) and amount(s) of wetland affected, including drainage basin(s) and watercourse(s) involved
- Description of alternatives considered which would avoid or minimize adverse impacts to the wetland and, as applicable, the reasons for their rejection
- Description of the precise location of the proposed wetland replacement site (including a map, legal description, and an indication of the distance from the wetland impact location(s) for which it provides compensation) and an indication of its current land use, biological, hydrological, and soils characteristics

- Description of the proposed wetlands compensation, including a clear statement of goals, description of compensating wetlands to be created, restored, or acquired (including type(s) per Appendix B, and a conceptual plan drawing showing approximate layout, shape, etc.); compensation ratios to be applied; any research funding proposed in lieu of other compensation; and, if use of preexisting wetlands credits is proposed as a component of the compensation, the source of the credits, including current balances and pending changes
- General description of the work (e.g., grading, planting, importation of topsoil, alteration of hydrology) proposed to establish compensation site(s)
- Indication of the entity(ies) that will assume long-term responsibility for compensation sites to be established

C. Wetland Compensation Plan

A detailed wetlands compensation plan will provide the level of information necessary for implementing proposed compensation. The wetland compensation plan will include the information from the conceptual plan in addition to the items listed in 17 Ill. Adm. Code 1090.50 (c) (3), as necessary and appropriate for the specific compensation proposed.

VIII. Wetland Compensation Accounts

IDOT recognizes the benefits of consolidating compensation for numerous small impacts in larger sites. Such consolidation allows for economies of scale in planning, implementation, and maintenance of compensation and promotes the establishment of wetlands in advance of impacts that offer the potential for providing a broader range of functional benefits. IDOT also acknowledges the advantages such sites offer in terms of their potential for being located and sized to complement the plans and programs of resource agencies to make the sites more desirable for long term management and to provide enhanced environmental and social benefits for the people of Illinois. IDOT will actively pursue the development and use of wetland compensation account sites as practical for IDOT and IDOT pass-through funded projects, to maximize the benefits such sites provide. Establishment of wetland compensation accounts by IDOT or local agencies and project sponsors for use in complying with wetlands compensation requirements under the Act will be accomplished through formal agreement with IDNR. The unit of measurement for debits and credits will be established in the agreement for the compensation account. Use of credits from wetland compensation accounts will be subject to the compensation ratios in 17 Ill. Admin. Code 1090.50.

IX. Authority and Policies for Acquisition of Wetland Compensation Land

IDOT may acquire for highway purposes any property necessary for a highway project, or any other property for which a specific appropriation has been made. Mitigation property on-site or contiguous to a project will be described and discussed in appropriate project planning and design documents to adequately establish the necessity of acquisition. For other mitigation parcels, the need will be documented in wetland compensation account proposals or compensation plans submitted by IDOT and in written approval of such proposals and plans by IDNR.

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Lands for IDOT wetland compensation accounts will be acquired through whatever means IDOT determines appropriate, consistent with IDOT's statutory powers and authorities.

Local agencies and sponsors may use available eminent domain authority for compensation land within project rights-of-way and, when specifically allowed by law, for off-site compensation.

X. Monitoring

Monitoring and reporting procedures for wetland compensation areas will be addressed in accordance with the following:

- A. For IDOT or local agency wetlands compensation account (bank) sites, monitoring and reporting requirements will be specified in the interagency agreement with IDNR and other appropriate signatories authorizing establishment of the sites.
- B. For project-specific wetlands restoration or creation associated with Standard Review Actions or with Programmatic Review Actions that will require coordination with the Corps of Engineers for approval of the wetland compensation plan, monitoring and reporting procedures will be determined in consultation with the IDNR and the Corps of Engineers as a part of the Wetland Compensation Plan.
- C. For project-specific wetlands restoration or creation associated with Programmatic Review Actions that do not require coordination with the Corps of Engineers for approval of a wetlands compensation plan, monitoring procedures will be documented in the compensation plan on file for the project and will be based on the guidance in Chapter 5 of the "Illinois Wetland Restoration and Creation Guide" (Illinois Natural History Survey Special Publication 19, March 1997), and Chapter 8 of NCHRP Report 379 "Guidelines for the Development of Wetland Replacement Areas." The monitoring procedures will be commensurate with the size and complexity of the wetlands to be restored/created. For these actions, IDNR will be provided an annual report of the monitoring results for a period of up to 5 years, as necessary to verify wetlands success. This will be in addition to the information provided in the periodic summary reports on Programmatic Review Actions described in Section VI A.
- D. Monitoring will be carried out by or under the direction of IDOT except when that responsibility is delegated to a local agency or sponsor, subject to approval by IDNR of the monitoring plan of that local agency or sponsor.

XI. Transfer of Wetlands

Whenever IDOT can transfer management responsibility for wetland compensation areas without jeopardizing project operation, it will submit a written request to IDNR for approval of the transfer. IDOT will ask that IDNR respond to such requests within 60 days. IDOT will identify the proposed recipient of the land and will provide or outline the terms of the transfer agreement. IDOT generally will give preference to qualified entities which can ensure appropriate management without need for funding support from IDOT for assuming the management activities.

In accordance with the requirements of the Act, and subject to obtaining any required approvals from the Governor or the State Legislature, IDOT will transfer compensation wetlands (other than those which are located within or that are otherwise an integral part of project rights-of-way) to IDNR or other eligible sponsors subject to formal transfer agreements that will fulfill all obligations of IDOT related to the approved compensation plan. In the event that IDOT is unable to find any other suitable entity to assume responsibility for long-term management of IDOT-developed wetland compensation sites, IDOT will transfer such sites to IDNR for long-term management. Such transfer shall not require a commitment from IDOT to provide funds to IDNR to support the management activities.

As long as wetland compensation property is held by IDOT, it will be maintained for its designated use. Where wetland compensation sites for IDOT pass-through funded projects are under the jurisdiction of a local agency, IDOT will require the local agency to ensure that the site will be maintained for wetlands purposes. Local agencies or sponsors may transfer wetlands or maintenance responsibilities to other public or private entities when allowed by law, subject to obtaining IDNR approval of such transfer.

If IDOT proposes the sale, exchange, or release of State-owned land containing wetlands to an entity other than another State agency, it will require the recipient of the land to grant a conservation easement which must contain provisions to protect the wetlands and any associated buffer areas from adverse impacts. Such easements will be written and recorded pursuant to the Real Property Conservation Rights Act. IDOT will attempt to have a unit of local government be the grantee of the easement. If a unit of local government cannot be obtained, IDOT will attempt to have an acceptable not-for-profit corporation or charitable trust be the grantee. If a unit of local government or not-for-profit entity cannot be obtained, IDOT will reserve conservation rights in its deed or release document and will transfer those rights to IDNR. Prior to the sale, exchange, or release of State-owned lands under IDOT control to an entity other than another State agency, the department will submit a written request to IDNR in accordance with 17 Ill. Adm. Code 1090.90 c 4.

XII. Compliance with Other Requirements

In implementing the provisions of this Action Plan, IDOT will ensure appropriate compliance with laws and regulations applicable to significant historic and archaeological sites and other resources requiring special consideration.

XIII. Conflict Resolution Procedures

Every effort will be made to cooperate with and coordinate wetland matters with IDNR. If circumstances arise in which a disagreement occurs over any substantive matter contained in this Action Plan or its application to IDOT actions or projects, the first attempt at resolution shall occur with technical managers in both Departments. If the matter cannot be resolved at this level within a reasonable period, it may be referred to higher management levels for resolution. The priority of the issues involved and the urgency of the need for resolution shall determine the time frames for referral to higher levels and how high within each organization the matter ultimately will be referred. If a conflict cannot be satisfactorily resolved between administrators in IDOT

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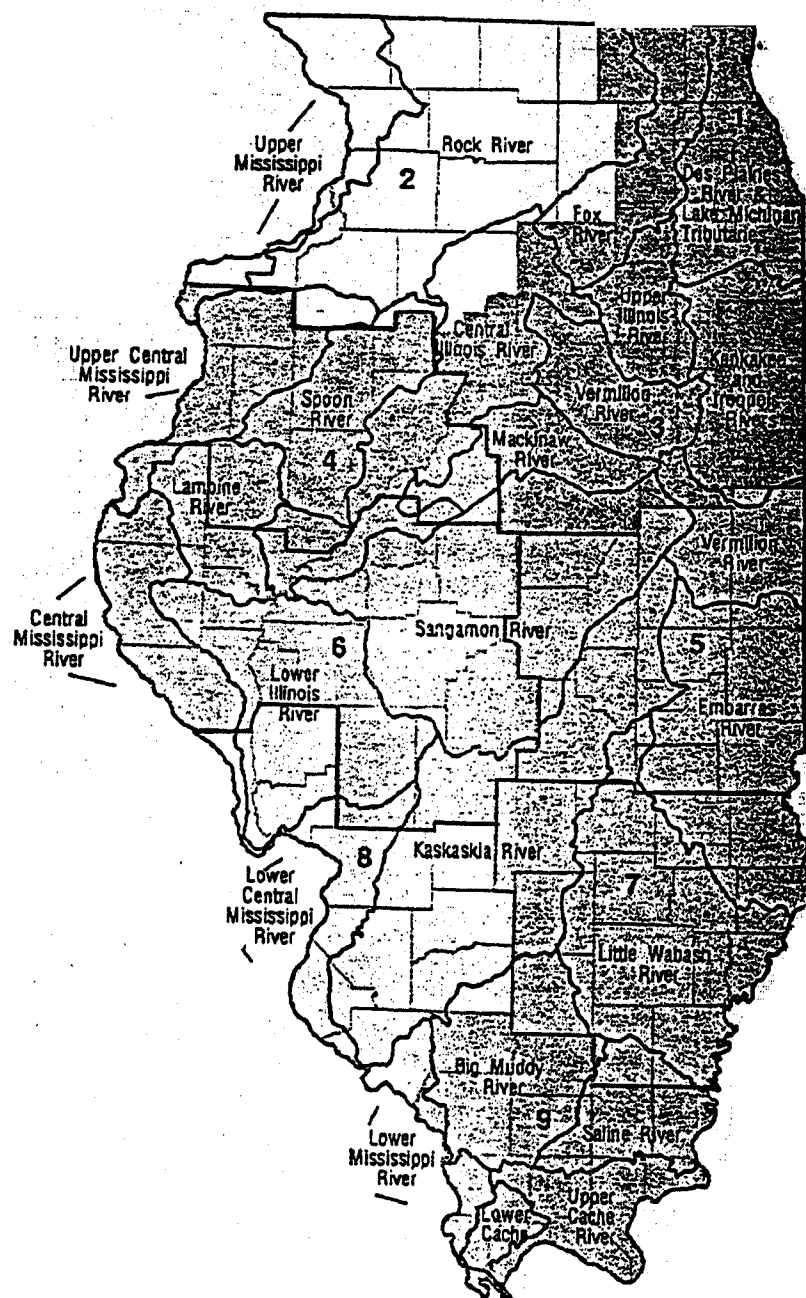
and IDNR, up to and including the Secretary of IDOT and Director of IDNR, the matter may be referred to the Governor's office for resolution.

XIV. Reports on Action Plan Implementation

Following approval of this Action Plan, IDOT will submit to IDNR a biennial report summarizing actions taken to implement the provisions of the Action Plan. The report will provide a listing of projects advanced through the wetlands compliance process and a tabulation of the amounts and types of associated mitigation accomplished. The report also will provide a description of other activities that resulted in the establishment of wetlands and a tabulation of the amount and type(s) of wetlands generated by those activities. The first biennial report will be submitted to IDNR on or before June 30 of the second year following initial approval of the Action Plan. Subsequent reports will be submitted on or before June 30 every other year thereafter.

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Drainage Basins for the Evaluation of Wetland Resources Displayed with County Boundaries and IDOT Districts



Appendix B

Wetlands Categories

Wetlands in Illinois can be classified into 12 categories as indicated below (refer to the accompanying category definitions), all of which are afforded protection under the Interagency Wetland Policy Act of 1989. For purposes of the IDOT wetland action plan, "disturbed" wetlands are treated as a separate category and the remaining categories are placed in three groups indicating their relative quality/complexity/rarity. (The order in which the wetland types are listed within each group does not indicate a relative ranking of the types within the group.) The groups are discussed in the following paragraphs and are intended primarily to guide project decision makers in planning wetlands compensation that will contribute to improving the quality of wetlands in Illinois.

□ Group 1

Bog
Fen
Flatwoods

Wetland types represented by the Group 1 categories are the rarest types in Illinois. Because of the unique geological and topographic conditions essential to their existence, the potential for creating replacement wetlands of these types is extremely limited (in the case of fens) or nonexistent (in the case of bogs and flatwoods). The utmost effort shall be made to avoid any adverse impacts to wetlands in these categories.

□ Group 2

Sedge Meadow
Prairie, wet
Swamp

Group 2 wetland types are high quality, relatively complex systems. They are somewhat limited in their occurrence in the State because of the special conditions on which their existence depends. Because of their complexity, they will be somewhat difficult to create or establish and will have to meet demanding site criteria in order to be sustainable. For unavoidable impacts to Group 2 wetlands, compensation shall be of the same type as the wetland affected, to the fullest extent possible.

□ Group 3

Marsh
Wet meadow
Forested
Scrub-shrub
Open water

Group 3 wetlands are the most prevalent in Illinois. These categories also can be more readily created or established in more areas of the State than can Group 1 or Group 2 wetlands.

Disturbed wetlands

Disturbed wetlands include sites such as farmed wetlands, successional old fields, and urban disturbed areas which, because of their disturbed nature, do not readily fit any other wetlands category. For Disturbed wetlands, compensation for unavoidable adverse impacts will not be in-kind; it shall be either a Group 3 type or a Group 2 type.

Definitions of Wetland Categories

Bog

The bog communities of Illinois are found almost exclusively in glaciated depressions of the northeast corner of the state. Drainage is usually restricted, and this, coupled with an abundance of sphagnum moss, results in conditions which are highly acidic. The soils of a bog are saturated throughout the growing season in most years, and small open water areas are common. Vegetation consists of a variety of emergents with shrubs and/or small trees occurring on more consolidated peat. (At the beginning of 1994, there were 10 identified bogs in Illinois which comprised 232.8 acres.)

Definition adapted from A Field Guide to the Wetlands of Illinois, 1988)

Fen

A fen is a type of wet meadow fed by an alkaline water source such as a calcareous spring or seep. The deposition of calcium and magnesium in the soil results in an elevated soil pH and gives rise to a variety of unique plants adapted to surviving these conditions. The vegetation is normally comprised of herbaceous emergents although woody shrubs or even trees sometimes occur. (At the beginning of 1994, there were 20 identified fens in Illinois which comprised 153.1 acres.)

Definition adapted from A Field Guide to the Wetlands of Illinois, 1988.

Flatwoods

Flatwoods are woodlands growing on level surfaces, usually with widely spaced trees, with slowly permeable and poorly drained soils that contain an argillic horizon or claypan. (At the beginning of 1994, there were 24 identified flatwoods in Illinois which comprised 617.5 acres.)

Definition adapted from White, John, 1978. Illinois Natural Areas Inventory Technical Report. Volume 1 Survey Methods and Results.

Sedge Meadow

A sedge meadow is a wetland dominated by sedges (*Carex*) and occurring on peat, muck, or wet sand.

Definition adapted from White, John, 1978. Illinois Natural Areas Inventory Technical Report. Volume 1 Survey Methods and Results.

Prairie, wet

A wet prairie is a community dominated by graminoid vegetation on mineral soil which is almost always saturated.

Definition adapted from White, John, 1978. Illinois Natural Areas Inventory Technical Report. Volume 1 Survey Methods and Results.

Swamp

A swamp is a wetland characterized by the presence of permanent to semipermanent water and a greater than 30% areal canopy cover of tall (over 20 feet) woody vegetation. In many areas, the canopy cover exceeds 80%.

Definition adapted from A Field Guide to the Wetlands of Illinois, 1988.

Marsh

A marsh is a wetland in which tall graminoid plants dominate the plant communities. Marshes have water near or above the surface for most of the year. Soils may be peat, muck, or mineral.

Definition adapted from White, John, 1978. Illinois Natural Areas Inventory Technical Report. Volume 1 Survey Methods and Results.

Wet meadow

A wet meadow is a wetland characterized by moist to saturated soils with standing water present for only brief to moderate periods during the growing season. Vegetation includes a wide variety of herbaceous species, from sedges and rushes to forbs and grasses. Woody vegetation, if present, accounts for less than 30% of the total areal cover. Definition adapted from A Field Guide to the Wetlands of Illinois, 1988.

Forested

Forested wetlands differ from true swamps in that they lack continuously standing water, although repeated flooding is

common. Differences in the length of inundation give rise to a variety of community types within this classification. Definition adapted from A Field Guide to the Wetlands of Illinois, 1988.

Scrub-shrub

A scrub-shrub wetland typifies a community in transition and exemplifies the dynamic nature of wetlands in general. Many emergent wetlands left undisturbed, will gradually be replaced through succession by woody vegetation that will in time develop into a mature forest. The scrub-shrub wetland is often found grading shoreward from an emergent wetland which borders a lake, stream, or pond. The woody vegetation accounts for at least 30% of the vegetation present, and must be less than 20 feet (6 meters) tall. Species composition is dependent on the length of inundation, with willows and dogwood growing in the temporarily to seasonally wet areas and buttonbush in semipermanently flooded areas.

Definition adapted from A Field Guide to the Wetlands of Illinois, 1988.

Open water wetlands

Small and shallow [area < 20 acres (8.1 ha) and depth < 6.6 ft. (2 m)] open water areas that lack emergent woody or graminoid vegetation. Natural ponds, farm ponds, borrow pits, and open water areas that occur within a marsh or swamp are included in this category. (Lacustrine and riverine systems are not included in this category.)